



STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

Customer Assistance

IN THE MATTER OF ELSA FUNES,
PETITIONER v. PUBLIC SERVICE)
ELECTRIC AND GAS COMPANY,)
RESPONDENT

ORDER ADOPTING
INITIAL DECISION

BPU Docket No. GC05050462U

OAL Docket No. PUC 09093-05

(SERVICE LIST ATTACHED)

BY THE BOARD:

On May 23, 2005, Elsa Funes (Petitioner) filed a petition with the Board of Public Utilities (Board) for a hearing in regard to a billing dispute with Public Service Electric and Gas Company (Respondent).

On June 29, 2005, the Board transmitted this matter to the Office of Administrative Law (OAL) for determination and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) Edith Klinger.

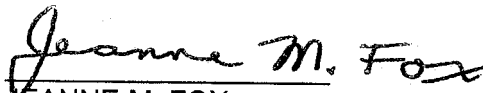
During the pendency of this matter at the OAL, the parties engaged in negotiations and reached a settlement. The settlement was submitted to the ALJ for review. On March 14, 2006, ALJ Klinger filed an Initial Decision with the Board, memorializing the terms of the settlement and recommending that it be approved. The ALJ found the settlement to be voluntary, consistent with the law and fully dispositive of all issues in controversy. The ALJ therefore concluded that the settlement met the requirements of N.J.A.C. 1:1-19.1.

Under the terms of the settlement, Public Service Electric and Gas has removed all late payment charges, resulting in an outstanding balance on Petitioner's account of \$5,000.00. This balance will be forgiven following Petitioner's completion of the Universal Service Fund program and in accordance with the Fresh Start forgiveness program.


The Board FINDS that the terms of the settlement are fair and reasonable. Therefore, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Settlement in their entirety, incorporating the terms thereof into this final decision as if fully set forth at length herein.

DATED: 4/13/06


BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

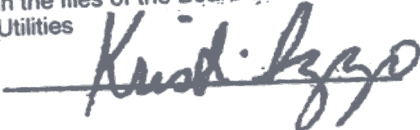

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



- 2 -

BPU Docket No. GC05050462U
OAL Dkt. No. PUC 09093-05

Elsa Funes v. Public Service Electric and Gas Company

BPU Docket No. GC05050462U

OAL Dkt. No. PUC 09093-05

SERVICE LIST

Elsa Funes
3566 Kennedy Boulevard
Jersey City, NJ 07203

Thomas P. Thackston, Esq.
Public Service Electric and Gas Co.
80 Park Plaza – T5G
Newark, NJ 07102

Kent Papsun, Director
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Jeff Slutzky, Esq.
Division of Law
124 Halsey St. - 5th Floor
Newark, NJ 07102



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 09093-05
AGENCY DKT. NO. GC05050462U

CMS
BESLOW
RPA
SLUTZKY, J
HILERIO, P
STARK (12)

ELSA FUNES,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

Respondent.

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2006 MAR 14 PM 2:40
PUBLIC UTILITIES
NEWARK, N.J.

Elsa Funes, pro se

Thomas P. Thackston, Esq., for respondent

Record Closed: March 10, 2006

Decided: March 13, 2006

BEFORE EDITH KLINGER, ALJ:

This matter was transmitted to the Office of Administrative Law on July 27, 2005 for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

The parties have agreed to settle this matter and have prepared the attached Settlement Agreement indicating the terms of settlement.

have reviewed the record and the settlement terms and I **FIND:**

- 1 The parties have voluntarily agreed to the settlement as evidenced by their signatures.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

CONCLUDE that this agreement meets the requirements of *N.J.A.C. 1:1-19.1* and that the settlement should be approved approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded

hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

March 13, 2006
DATE

Edith Klinger
EDITH KLINGER, ALJ

Receipt Acknowledged:

3-14-06
DATE

Floyd D. Smith
BOARD OF PUBLIC UTILITIES

Mailed to Parties:

DATE
pb

OFFICE OF ADMINISTRATIVE LAW



March 7, 2006

The Honorable Edith Klinger
Office of Administrative Law
33 Washington Street, 7th Floor
Newark, NJ 07102

Re: Elsa Funes vs. PSE&G
OAL Docket No. PUCCL 09093-2005N

Dear Judge Klinger:

Enclosed please find an original copy of the settlement agreement between the parties dated March 7, 2006. In addition to settling the dispute, at the top of page two (2) of the agreement, the parties ask that the Petition be dismissed with prejudice.

If there are any other issues that the parties need to address, please advise

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joe Priddy", written over a circular stamp.

Joseph E. Priddy, Esq.
Attorney for
PSE&G
80 Park Plaza, T5G
Newark, New Jersey 07102
973-430-8325
joseph.priddy@pseg.com

JEP/an

cc: Enclosure(s)
Elsa Funes (w/ enc.)
E. B. Sullivan (w/ enc.)

2006 MAR 10 A 11

cc: FN

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SETTLEMENT AGREEMENT

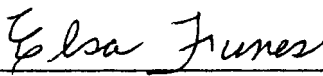
In the matter of Elsa Funes v. Public Service Electric & Gas Company (OAL Docket No. PUCCC 09093-2005N), the parties have agreed to settle the dispute in accordance with the following terms:

The outstanding balance on Elsa Funes's account as of February 7, 2006 was \$5,000. This amount reflects adjustments and payments through that date, including removal of all late payment charges. Petitioner, Elsa Funes, has applied and been approved for Universal Service Fund ("USF") relief. In accordance with the terms of that relief, Petitioner has been billed \$280 per month under a monthly budget plan commencing February 13, 2006. Petitioner shall pay monthly the difference between the USF monthly credit of \$155 and \$280, or \$125 per month. In the event that the terms of the Universal Service Fund program are inconsistent with the terms of this settlement agreement, the terms of the USF program will prevail. In addition, Petitioner will be entitled to the benefits of the Fresh Start forgiveness program. Under this program, Petitioner will receive a monthly credit of \$200 on her outstanding balance from February 2006 through January 2007. Upon completion of the USF program and payment of the final payment as specified in that program and in accordance with the Fresh Start program, the amount of \$5,000 specified above will be forgiven. Petitioner will thereafter be obligated to pay the amount billed in accordance with the terms set forth in PSE&G's bill and its applicable tariff. These charges may be subject to reduction if Petitioner qualifies for any other assistance program.

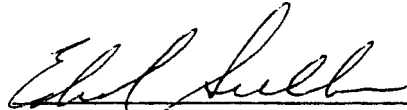
In the event that Petitioner does not comply with the terms of this settlement agreement, it shall be revoked by her failure to comply and the full amount forgiven by this settlement agreement, including late payment charges and field collection charges, shall become immediately due and payable.

Accordingly, in consideration for the payment amount and payment terms set forth in this settlement agreement, the parties ask that the Petition be dismissed with prejudice.

Agreed to by the parties this 7th day of March 2006.



Elsa Funes
3566 John F. Kennedy Boulevard
Jersey City, NJ 07203



Edward Sullivan
PSE&G

COPY



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, New Jersey 07102
(973) 648-6008

COPY

RECEIVED
MAIL ROOM
2006 MAR 14 PM 2:40
PUBLIC
NEWARK, N.J.

NORTH

Date: 3-14-06

Receipt of the following decisions from the Office of Administrative Law (as well as a copy of this form) is acknowledged as of the date indicated below:

OAL Docket No. PUC

9093-05

Case Name

Elsa Funes vs
PS&G

Board of Public Utilities

2 Gateway Center

Newark, New Jersey 07102

Date:


Board of Public Utilities